

therefore the petitioner's husband was constrained to approach the district Muncie Court at Arakkonam for partition in the year OS No.84 of 1990 for seeking a partition since a suit property is a meagre extent and it is invisible, therefore the petitioners husband and his brothers had arrived amicable settlement and the petitioner's husband and his brother given the suit property to petitioner husband by relinquishing their right from the day one of the allotment petitioners husband is alone is in the position and enjoyment of the suit she did property without any hindrance for interruption from any 3rd party.

1.3. Further submits that after the demise of petitioners husband the said Moussa Kutti the legal has had joint re executed a release deed dated 18.12.2021. By virtue of the release deed the petitioner became the absolute owner of the suit property. The said property is measuring an extent of 325 1/2 square feet. In the said property the petitioner is letting out shops to the tenants though the respondent/defendant does not have any manner of right or interest over the suit scheduled property, the respondent/defendant is adopting all 3rd grade methods to dispose as the petitioner from the suit property. The tenants had sent a letter to the respondent defendant wherein it stated that they are no way connected to the suit property if you are having any grievance against the landlord. Therefore, the petitioner is constrained to approach this court in order to safeguard petitioner's interest over the petition schedule property.

1.4. Further submits that on 10.08.2022 the respondent/defendant along with the Rowdy elements came to the suit property to dispose of the petitioner plaintiff from the food property. The petitioner approached the inspector of police on town police station and lodged the complaint against the respondent/defendant. Was advised by the police to approach the civil forum. Therefore, filed this petition for interim injunction.

2. Brief Averments of Counter:

2.1. The respondent submits that the petition filed by the petitioner is unsustainable both in law and on facts of the case. The respondent does not admit any

of the allegations in the plaint except those that are specifically admitted. Further submits the description of the property and the boundaries given in the suit schedule are all incorrect. The plaintiff/petitioner has no manner of any right title or interest over the suit scheduled property. The plaintiff husband Moosakutti and his father Abubakkar has no manner of right, title, or interest over the suit schedule property. Further submits that the government has no any right or authority to issue any such part of in respect of this food property in favor of Abubbaker as the suit property and the other property on the northern side and on the eastern side absolutely belonged to the defendant. The petitioner plaintiff without any semblance of title has filed the false and vexatious suit against the defendant for permanent injunction

2.2. Further submits that the property bearing municipal old door No.14 Gribilspet, Arakkonam town measuring East to west 36 feet, and north to South 68 feet bounded on east by V. Govindasami Pillai's house, west by pallur road @ Gandhi road, North by N. Narasingaiah's house, South by Munusamy pillai street. All the rights attached to was originally belonged to Aimunni S/o. Syed Allvi. He purchased the aforesaid Property under sale deed dated 07.06.1951 from one Imbichi Fathammal W/o.late K.C. Mohammed Ibrahim Sahib. Ever since the date of purchase he was in absolute possession and enjoyment of the same.

2.3. Further submits that the defendant/respondent is the daughter of Aimunni. The defendant's father removed the thatched roof and constructed partly titled and Madras Terraced House and constructed shops on the western side that is on the Gandhi Road side during the year 1963 the defendant's father also submitted plan to the Arakkonam Municipality and obtained approval plan from the municipality on 19.07.1963. The plan was approved by the municipality as per the measurements given in the registered sale deed 07.06.1951. The suit property is forms part of the property covered under the registered sale dedicated 07.06.1951.

2.4. Further submits that Abubakar was a tenant in their respect of the suit shops under the defendant's father. The said Abubbaker might have created Pata in respect of the property of the defendant's father behind his back. The defendant came to know about the alleged patta only now after the filing of the suit by the

petitioner/plaintiff. The defendant/respondent has given application to the Tahsildar, Arakkonam, RDO Arakkonam and the commissioner Arakkonam Municipality for cancelation of alleged patta which has been issued in favor of Abubakkar and subsequently in favor of the Moosakutti. The said Abu Baker and the Moosakutti have no manner of any right title or interest over the food schedule property. With the alleged Patta they are not entitled to create any release deed dated 18 to 2021 in favor of plaintiff/ petitioner.

2.5. Further submits that the plaintiff shall not claim any absolute right on the basis of the alleged part of and on the basis of the alleged suit OS.No.84 of 1990 filed by Moosakutti against others before this honorable court. The defendant's father was not a party to the sales suit. Any decree passed by this honorable court in OS .No.84 of 1990 is not valid and binding upon the defendant.

2.6. Further submits that the suit property and the property situated on the northern side and on the eastern side measuring east to West 36 feet North to South 68 feet absolutely belonged to defendant's father and after his demise his legal heirs have partitioned the aforesaid property including the suit property under the registered partition 24.02.2022. In the said partition the property described as 'B' scheduled in the partition deed was allotted to the share of the defendant and defendant is in peaceful possession and enjoyment of the same in her own right as absolute owner to the knowledge of everyone concerned including plaintiff Petitioner. The defendant/ respondent denies very right entitled to the suit property the suit filed by the petitioner plaintiff against the defendant for bare permanent injunction against a defendant/respondent without seeking relief of declaration of title the above suit filed by the plaintiff is not maintainable in law and on this ground alone the suit is liable to be dismissed and not maintainable. The plaintiff/ petitioner has falsely alleged in the petition that Samsudeen, Elangovan and Sulaiman, are not tenants under the plaintiff/petitioner and she has let out the same to them come on there are note tenants under the plaintiff and they have no manner of any right title or interest over the suit schedule property. Hence prayed to dismiss the petition with cost.

Whether this petition is to be allowed or not?

No oral evidence was examined and no documentary evidence was marked on the side of the petitioner. No oral evidence was examined and Ex.R1 to Ex.R3 was marked on the side of the respondent.

4.Discussion and findings:

4.1. Heard both sides. Perused the records. The case of the petitioner is that originally the suit property belonged to Abubakkar through government patta. After demise of Abubakkar dispute arose with respect to suit property the petitioner's husband filed Os.No.84 of 1990 in which petitioner husband was allotted the suit schedule property. After demise of petitioner's husband the legal heirs executed release deed and petitioner is the absolute owner of suit property. She has let the property to tenants. The defendant/respondent no way connected to suit is interfering petitioner's possession. Hence filed suit for permanent injunction and now prays for temporary injunction in this petition.

4.2. Whereas the respondent contends that the suit property originally belonged to Aimunni. He purchased through sale deed 07.06.1951 Doc.No. 2189 of 1951. He removed Thatched roof and constructed partly titled and madras terraced house and constructed shops on western side Gandhi road side during 1963. The respondent defendant father also submitted plan to the Aracon municipality and obtained approved plan from municipality on nineteen seven 1963. The plan was approved by the municipality as per the measurements given in the registered sale dated 07.06.1951. The suit property forms part of the property covered under the registered sale dated 07.06.1951. They said Abubakkar was a tenant in respect of the suit shops under the respondent/defendants father. He has created the alleged patta in respect of the suit property behind the back respondent's father. The respondent got knowledge of the same only on filing of plaint. The respondent has given application to revenue authorities to cancel the same. Further contended that there are no tenants in the suit property under petitioner.

4.3. Upon Perusal of rival submission this court is of opinion that the relief sought in this petition and the relief sought in the main suit is one and the same. It is pertinent to note that the petitioner/plaintiff have not come forward to adduce any document to prove their case. On the other hand, the respondent adduced Ex.R1 the registration copy of sale deed in name of Aimunni. Ex.R2 is the partition deed executed between respondent an others. Ex.R3 plan of the building layout. From perusing Ex.R1 to Ex.R3 it is seen that there is serious dispute with respect to suit properties. Thus, this dispute can be determined only at the time of trial. Hence Prime facie not proved. Considering that already issues have been framed and is ripe for trial in the main suit the petitioner can contest and conduct trial in the main suit. Hence, in interest of the justice this court is not inclined to allow this petition. In result this petition is dismissed. No cost.

Directly, typed by me in my laptop, corrected and pronounced by me in the Open Court on this the 30th day of the October 2025.

District Munsif,
Arakkonam.

Petitioner side witnesses and Exhibits:- NIL

Respondent side witnesses :- NIL

Respondent side Exhibits :-

Ex.R1	07.06.1951	Registration copy of sale deed in name of Aimunni.
Ex.R2	24.02.2022	Partition deed executed between respondent an others.
Ex.R3	-	Approved plan issued by the arakkonam municipality.

District Munsif,
Arakkonam.